

## Message Text

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ORIGIN EA-09

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-05 H-01  
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02  
SS-15 USIA-06 DHA-02 ACDA-07 AID-05 OMB-01 TRSE-00  
/084 R

DRAFTED BY EA/TIMBS:DPSULLIVAN:CCH  
APPROVED BY EA/TIMBS:REFRITTS  
L:GALDRICH  
IO/UNP:FTATU (INFO)  
H:ASWIFT

-----038095 221907Z /45

R 221609Z JUL 77  
FM SECSTATE WASHDC  
TO AMEMBASSY JAKARTA  
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 171576

E.O. 11652: GDS

TAGS: SHUM, ID

SUBJECT: FRASER SUBCOMMITTEE JULY 19 HEARING ON  
EAST TIMOR

1. FRASER SUBCOMMITTEE HELD ITS FINAL SCHEDULED HEARING  
ON EAST TIMOR JULY 19 WITH DEPUTY LEGAL ADVISOR ALDRICH  
AS DEPARTMENT WITNESS ON LEGAL ASPECTS OF EAST TIMOR  
SITUATION. FORMER DEPARTMENT LEGAL ADVISOR LEONARD  
MEEKER AND NEW YORK UNIV. LAW SCHOOL PROFESSOR THOMAS  
FRANCK WERE OTHER WITNESSES. ALDRICH AND MEEKER PREPARED  
STATEMENTS BEING POUCHED ADDRESSES. FRANCK DID NOT PRE-  
SENT PREPARED STATEMENT.

2. SESSION WAS LOW KEY, BASICALLY THEORETICAL IN TONE  
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WITH LITTLE MENTION OF ALLEGED ATROCITIES, AND APPEARS  
TO HAVE DRAWN NO PRESS REPORTING (HARVEY STOCKWIN OF  
FEER WAS ONLY CORRESPONDENT ATTENDING). MAJOR SUBJECTS  
ADDRESSED INCLUDED QUESTIONS OF RELATIONSHIP OF SELF-  
DETERMINATION IN SMALL ENTITIES TO GENERAL AREA OF HUMAN  
RIGHTS, WHAT OBLIGATIONS USG MAY HAVE TO PROMOTE RIGHT  
OF SELF-DETERMINATION IN SITUATIONS OF FORCIBLE ANNEXATION

OF SMALL ENTITIES (PARTICULARLY WHERE US MILITARY ASSISTANCE HAS BEEN USED IN ANNEXATION), AND POSSIBLE ROLE OF UN IN EXERCISE OF SELF-DETERMINATION. ALDRICH PREPARED

STATEMENT REVIEWED LEGAL ISSUES AS SEEN IN PERIOD DEC. 75 - JUNE 76, INCLUDING CONSIDERATIONS BEHIND ADMINISTRATIVE SUSPENSION AND SUBSEQUENT RESUMPTION OF NEW MILITARY ASSISTANCE, AND CONCLUDED USG NOT OBLIGATED TO REFRAIN FROM ACCEPTING FACTUAL SITUATION OF ANNEXATION IN CASE IN WHICH RIGHT OF SELF-DETERMINATION NOT OBSERVED AS WE MIGHT WISH WHERE USG ACTION TO CHANGE SITUATION LIKELY BE INEFFECTIVE AND AT COST TO OTHER IMPORTANT INTERESTS.

3. UNDER QUESTIONING BY FRASER, ALDRICH DREW DISTINCTION THAT, WHILE USG RECOGNIZES INDONESIAN ANNEXATION OF EAST TIMOR AND INDONESIAN EXERCISE OF SOVEREIGNTY OVER TERRITORY, USG DOES NOT MAINTAIN THAT EAST TIMORESE HAVE IN FACT EXERCISED RIGHT OF SELF-DETERMINATION OR THAT THIS RIGHT HAS BEEN EXTINGUISHED BY INDONESIAN INCORPORATION. ALDRICH POINTED OUT THAT WE HAVE IN PAST ACKNOWLEDGED RIGHT OF PEOPLE OF EAST TIMOR TO SELF-DETERMINATION. SINCE THE FACTS OF ANNEXATION DO NOT PERMIT A RESPECTABLE ARGUMENT THAT THIS RIGHT HAS YET BEEN EXERCISED, THERE IS NO ESCAPE FROM THE CONCLUSION THAT THE RIGHT REMAINS, BUT THIS DOES NOT UNDERMINE OUR CONFIDENTIAL

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RECOGNITION OF ANNEXATION AND OF LEGITIMACY OF INDONESIAN SOVEREIGNTY OVER EAST TIMOR AS SUCCESSOR TO PORTUGAL. CONGRESSMAN GOODLING AGAIN PLAYED MOST USEFUL ROLE IN CROSS-QUESTIONING MEEKER AND FRANCK.

4. NO FURTHER HEARINGS ON EAST TIMOR PRESENTLY SCHEDULED. IN DISCUSSIONS WITH INDONESIAN EMBASSY WE HAVE UNDERLINED POINT THAT PROSPECT OF NO FURTHER HEARINGS MAY DEPEND ON ABSENCE OF FURTHER CHARGES OF VIOLENCE BY INDONESIAN TROOPS IN TERRITORY. EMBASSY HAS ASSURED US THEY AGREE ON IMPORTANCE OF PREVENTING INCIDENTS WHICH COULD PROVOKE SUCH CHARGES AND ARE STRESSING THAT POINT IN THEIR OWN REPORTING TO JAKARTA. VANCE

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## Message Attributes

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**Disposition Date:** 22 May 2009  
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**Review Markings:**  
Margaret P. Grafeld  
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